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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,474	09/27/2001	Fuminobu Ogawa	214320US2	9542

22850 7590 11/22/2006

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EXAMINER	
RAMAKRISHNAIAH, MELUR	
ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/963,474	OGAWA ET AL.	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8-25-2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 7, 8, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutomu et al. (JP06-233289, hereinafter Tsutomu) in view of Masatoshi (JP06-006481)

Regarding claim 1, Tsutomu discloses an image communication device comprising: image receiving means (8, Drawing 1) for receiving an image, image mute control means (reads on 3, Drawing 1) for automatically judging whether or not the image received by the image receiving means is output, and image outputting means in (2, Drawing 1) outputting image received by the image receiving means through wire communication line or radio communication line in case where the image mute control means judges to output image (Drawings 1-2, abstract; paragraphs: 0007, 0015-0021).

Tsutomu differs from claim 1 in that it does nit specifically teach the following: image mute control means controls the image outputting means not to output the image received by the image receiving means when a power is initially supplied to the image communication device and the image mute control means controls image outputting means according to mute-off instruction to output the image received by the image receiving means.

However, Masatoshi discloses multimedia communication equipment which teaches the following: image mute control means (reads on 11, Drawing 1) controls the image outputting means (for example camera 6, Drawing 1) not to output the image (this happens when the controller recognizes call from a non-picture communication system) received by the image receiving means when a power is initially supplied to the image communication device and the image mute control means controls image outputting means according to mute-off instruction (this happens when the controller recognizes need for multimedia communication and then supplies power to imaging device and image display device) to output the image received by the image receiving means (see abstract).

Thus, Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Tsutomu's system to provide for the following: image mute control means controls the image outputting means not to output the image received by the image receiving means when a power is initially supplied to the image communication device (this is implicit in as much as the power is essential to operate the system, and the image mute control means controls image outputting means according to mute-off instruction to output the image received by the image receiving means as this arrangement would facilitate to prevent wasteful power consumption and burning of a monitor screen by controlling imaging input/output apparatus automatically as taught by Masatoshi.

Regarding claim 7, Tsutomu discloses an image communication method, comprising the steps of: receiving an image, automatically judging whether or not the

received image is output, and outputting the received image through wire communication line (Drawing 1) or radio communication line in case where it is judged to output the received image (Drawings 1-2, abstract; paragraphs: 0007, 0015-0021).

Tsutomu differs from claim 1 in that it does not specifically teach controlling an image output mechanism to not to output a received image when a power is initially supplied to the image communication device, the image output mechanism outputting a received image according to mute off instruction.

However, Masatoshi teaches the following: controlling an image output mechanism to not to output a received image when a power is initially supplied to the image communication device (this happens when the controller recognizes call from a non-picture communication system), the image output mechanism outputting a received image according to mute off instruction (this happens when the controller recognizes need for multimedia communication and then supplies power to imaging device and image display device; see abstract and Drawing 1).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Tsutomu's system to provide for the following: controlling an image output mechanism to not to output a received image when a power is initially supplied to the image communication device, the image output mechanism outputting a received image according to mute off instruction as this arrangement would facilitate to prevent wasteful power consumption and burning of a monitor screen by controlling imaging input/output apparatus automatically as taught by Masatoshi.

Claim 8 is rejected on the same basis as claim 1.

Regarding claim 14, Tsutomu discloses an image communication device comprising: an image receiving mechanism configured to receive an image, an image mute control mechanism (reads on 3, Drawing 1) configured to automatically judge whether or not the image received by the image receiving mechanism is output, an image outputting mechanism (2, Drawing 1) configured to output the image received by the image receiving mechanism through wire communication line (1, Drawing 1) or a radio communication line in cases where the image mute control mechanism judges to output the image, and a data sending mechanism (2, Drawing 1) to send a condition of the image mute control mechanism through wire communication line or the radio communication line (Drawings 1-2, abstract; paragraphs: 0007, 0015-0021)

Tsutomu differs from claim 14 in that it does not teach: image mute control mechanism is configured to control image outputting mechanism not to output the image received by the image receiving mechanism when power is initially supplied to the image communication device, and image mute control mechanism is configured to control the image output mechanism according to mute-off instruction to output image received by the image receiving means.

However, Masatoshi teaches the following: image mute control mechanism is configured to control image outputting mechanism not to output the image received by the image receiving mechanism when power is initially supplied to the image communication device (this happens when the controller recognizes call from a non-picture communication system), and image mute control mechanism is configured to control the image output mechanism according to mute-off instruction to output image

received by the image receiving means (this happens when the controller recognizes need for multimedia communication and then supplies power to imaging device and image display device; see abstract and Drawing 1).

3. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutomu in view of Masatoshi as applied to claims 1 and 8 above, and further in view of Menju et al. (JP407170507A, hereinafter Menju)..

Regarding claims 3 and 10, the combination does not teach the following: time managing means for managing a passing time, wherein the image mute control means judges according to the passing time by the time managing means whether or not the image received by the image receiving means is output.

However, Menju discloses video telephone system which teaches the following: time managing means (14, fig. 2) for managing a passing time, wherein the image mute control means (reads on CPU 12, drawing 2) judges according to the passing time by the time managing means whether or not the image received by the image receiving means is output (fig. 2, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: time managing means for managing a passing time, wherein the image mute control means judges according to the passing time by the time managing means whether or not the image received by the image receiving means is output as this arrangement would facilitate the user to control the image output according to time zone as taught by Menju, thus providing user means to control image display to suite his needs.

4. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutomu in view of Masatoshi as applied to claims 1 and 8 above, and further in view of Sato et al. (US PAT: 6,515,695, filed 11-8-1999, hereinafter Sato).

The combination differs from claims 4 and 11 in that he does not teach the following: an electronic phone book for setting a mute-off state for each of plurality of ends of communication line, wherein image mute control means judges that the image received by the image receiving means is output to one end of communication line in case mute-off state is set for the one end of electronic phone book, and image mute control means judges that the image received by the image receiving means is not output to the one end of communication line where no mute-off state is set for the one end by the electronic phone book.

However, Sato discloses terminal and system for multimedia communications which teaches the following: an electronic phone book for setting a mute-off state for each of plurality of ends of communication line, wherein image mute control means judges that the image received by the image receiving means is output to one end of communication line in case mut-off state is set for the one end of electronic phone book, and image mute control means judges that the image received by the image receiving means is not output to the one end of communication line where no mute-off state is set for the one end by the electronic phone book (col. 8 lines 5-12, lines 38-43; col. 12 lines 46-60).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: an electronic

phone book for setting a mute-off state for each of plurality of ends of communication line, wherein image mute control means judges that the image received by the image receiving means is output to one end of communication line in case mute-off state is set for the one end of electronic phone book, and image mute control means judges that the image received by the image receiving means is not output to the one end of communication line where no mute-off state is set for the one end by the electronic phone book as this arrangement would provide user to control transmission of video data according to phone book entry to suite user needs as taught by Sato (col. 4 lines 12-30).

5. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutomu in view of Masatoshi as applied to claims 1 and 8 above, and further in view of Kabushiki (WO 01/24523 A1).

Regarding claims 5 and 12, the combination does not teach the following: error monitoring means for monitoring a degree of error occurring in communication line, wherein image mute control means judges according to the degree of error monitored by the error monitoring means whether or not image received means is output.

However, Kabushiki discloses mobile terminal which teaches the following: error monitoring means for monitoring a degree of error occurring in communication line, wherein image mute control means judges according to the degree of error monitored by the error monitoring means whether or not image received means is output (fig. 1 page 7 lines 6-14).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: error

monitoring means for monitoring a degree of error occurring in communication line, wherein image mute control means judges according to the degree of error monitored by the error monitoring means whether or not image received means is output as this arrangement would facilitate the control image transmission depredating upon transmission conditions so that battery power is not wasted as taught by Kabushiki.

6. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutomu in view of Masatoshi as applied to claims 1 and 8 above, and further in view of Nishimura (JP 405219500A).

Regarding claims 6 and 13, the combination does not teach the following: image storing means for storing an image in advance, wherein image stored by the image storing means is output by the image outputting means in case where image mute control means judges to output the image stored by the image storing means in place of image received by the image receiving means.

However, Nishimura discloses visual telephone set which teaches the following: image storing means (10, fig. 1) for storing an image in advance, wherein image stored by the image storing means is output by the image outputting means in case where image mute control means (reads on terminal control part 9, fig. 1) judges to output the image stored by the image storing means in place of image received by the image receiving means (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combinationto provide for the following: image storing means for storing an image in advance, wherein image stored by the image storing

means is output by the image outputting means in case where image mute control means judges to output the image stored by the image storing means in place of image received by the image receiving means as this arrangement would provide means for protecting the privacy of user of the video telephone as taught by Nishimura.

Response to Arguments

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melur Ramakrishnaiah
Primary Examiner
Art Unit 2614